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| 09/519,935 | 03/07/2000 | Tom Wucherer | M-8331-US | 9780 |

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Larry E Vierra Esq
Vierra Magen Marcus Harmon & DeNiro LLP
685 Market Street Suite 540
San Francisco, CA 94105

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| EXAMINER |
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AL HASHEMI, SANA A

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| ART UNIT | PAPER NUMBER |
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2164

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 09/519,935 | Applicant(s) WUCHERER ET AL. | |
| | Examiner Sana Al-Hashemi | Art Unit 2164 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-37-40-48-50, 52-58, 60-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-37, 40, 45-48, 50, 53-56 and 60-64 is/are rejected.
- 7) ☒ Claim(s) 41-44, 57 and 58 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is issued in response to applicant's RCE filed 9/14/05.
2. Claims 32-37-40-48-50, 52-58, 60-64, were amended, Claims 38, 39, 49, 51, and 59, were canceled. No claims were added.
3. Claims 32-37-40-48-50, 52-58, 60-64 are pending.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 32-37, 40-48, 50, 52-56, 60-64 are rejected as being anticipated by Rice III (Rice hereinafter) (US Patent Application No. 2002/0174010).

Regarding Claims 32, 45, 53, and 55, Rice discloses a method for managing the design and building of a construction project, the method being executable by a host computer system, comprising:

receiving a first type of software application data for the construction project into a central database, the first type of software application data input by a first project collaborator into a first type of software application program running on a first computer system (Fig. 2, Rice);

receiving a second different type of software application data for the construction project into the central database, the second type of software application data input by a second project collaborator into a second software application program. the second application program of a

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different type, running on a second computer system generating a first message indicating a modification of the first data (Fig. 1, 12, Rice); and

transmitting the first message to the second computer system (Fig. 2, 132, Rice);

wherein said first type of software application program and second type of software application program each comprise at least one of a computer aided design software application, a design database application, a procurement application, a facilities management application, or an accounting application (Paragraph 0095, Rice).

Regarding Claims 33, Rice discloses a method wherein receiving a first type of software application data and receiving a second type of software application data further comprises:

receiving 'said first type of software application data and said second different type of software application data for storage into said central database via respective first and second interface databases (Fig. 2, Paragraph 0086, Rice).

Regarding Claim 34, Rice discloses a method wherein the method further comprises the host computer system reading the first type of software application data data stored in the first interface database and notifying the second computer system prior to storing the read first type of software application data in the central database (paragraph 0123, Rice).

Regarding Claims 35, and 46, Rice discloses a method wherein the method further comprises the host computer system monitoring the first interface database for predetermined changes to data stored therein, wherein the host computer system generates the first message in response to the host computer system detecting that the first type of software application data is stored in the first interface database (Paragraph 0095, Rice).

Regarding Claim 36, Rice discloses a method wherein the central database is in data communication with the host computer system, wherein the host computer system stores the first type of software application data in the central database in response to the host computer system detecting that the first type of software application data is stored in the first interface database (Paragraph 0095, Rice).

Regarding Claim 37, Rice discloses a method wherein the first type of software application data comprises an object-oriented representation of a component of a construction project (Paragraph 0095, Rice).

Regarding Claim 47, Rice discloses a system wherein monitoring the plurality of transactions comprises comparing the plurality of transactions against a predetermined transaction (Paragraph 0095, Rice).

Regarding Claim 48, Rice discloses a system wherein the host computer system is configured to detect a match between one of the plurality of transactions to the first database and the predetermined transaction (Paragraph 0216, Rice).

Regarding Claim 56, Rice discloses a method wherein the method further comprises the second computer transmitting the second message to the first computer system (Fig. 1, Rice).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 40, 50, 52, 54, 60-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rice III (Rice hereinafter) (US Patent Application No. 2002/0174010) in view of Beverina et al. (Beverina hereinafter) (US Patent Application No. 2001/0027389).

Regarding Claim 40, Rice is silent with respect to the use of wherein the first type of software application data or the second type of software application is accounting software for the construction building industry. on the other hand, Beverina discloses the first type of software application data or the second type of software application is accounting software for the construction building industry. It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the Rice's system in the construction industry. Skilled artisan would have been motivated to combine both teaching to improve the Rice system and make it usable in different industries this would result in attracting more users to the Rice's system and will increase the company profit.

Regarding Claim 50, Rice in view of Beverina discloses a system wherein the first computer system executes computer aided design software for the construction building industry (Paragraph 0095,Rice).

Regarding Claim 52, Rice in view of Beverina discloses a system wherein the first computer system executes accounting software for the construction building industry (Paragraph 0095,Rice).

Regarding Claim 54, Rice in view of Beverina discloses an apparatus wherein the first data comprises an object-oriented representation of a component of a building construction project 0322, Beverina).

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Regarding Claim 60, Rice in view of Beverina discloses a method wherein the second computer system executes construction management software via a browser interface (Fig. 19, Beverina).

Regarding Claim 61, Rice in view of Beverina discloses a method wherein the second computer system is configured to execute software for managing a project financial budget (paragraph 0095, Beverina).

Regarding Claim 62, Rice in view of Beverina discloses a method wherein the second computer system is configured to execute software for managing building contractors (Fig. 8, Beverina).

Regarding Claim 63, Rice in view of Beverina discloses a method wherein the second computer system is configured to facility management software (Fig. 8, Beverina).

Regarding Claim 64, Rice in view of Beverina discloses a method wherein the second computer system is configured to execute software for managing a completed facility (Fig. 8, Beverina).

Allowable Subject Matter

Claims 41-44, 57-58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to disclose, suggest or teach the method including the steps of: monitoring a plurality of transactions to the first interface database, wherein each of the

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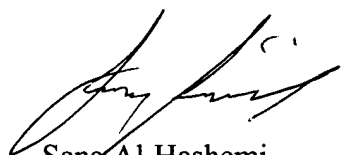
plurality of transactions store data in the first interface database, wherein monitoring the plurality of transactions comprises comparing the plurality of transactions against a predetermined transaction; detecting a match between one of the plurality of transactions to the first database and the predetermined transaction; generating said first message wherein said first message indicates that the first type of software application data has been stored in the first database by the one of the plurality of transactions; and transmitting the first message to the second computer system. The method of reading the first type of software application data stored in the first interface database in response to the host computer detecting the match; translating the first type of software application data into translated first data in response to the host computer detecting the match; storing the translated first type of data into another interface database in data communication with the host computer system in response to the host computer detecting the match.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is 571-272-4013. The examiner can normally be reached on 8Am-4:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sana Al-Hashemi
Patent Examiner
Technology Center 2100
January 6, 2006